

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,)	
)	
)	2:12-cr-93
v.)	
)	
RANDEE GILLIAM, DORIAN GILLIAM,)	
LAMONT WRIGHT, ERIC CAMPBELL,)	
And FREDERICK ELLIS)	
Defendants.)	
)	
 LOUIS GILLIAM,)	
)	
)	2:13-cv-1557
v.)	
)	
VERIZON PENNSYLVANIA, INC.)	
)	

MEMORANDUM ORDER

Now pending before the Court is a MOTION FOR CONFERENCE WITH JUDGE McVERRY PURSUANT TO MAGISTRATE JUDGE MITCHELL'S DECEMBER 9, 2015 OUTCOME ORDER IN CIVIL ACTION NO. 13-CV-01557 (Crim. No. 12-93, ECF # 730; Civ. No. 13-1557, ECF # 79). The dispute involves the inadvertent disclosure of a document, in the Civil case, that is subject to a Sealing Order that was entered by this member of the Court in the Criminal Case. On February 2, 2016, the government filed a position statement in response to the motion (Crim. No. 12-93, ECF # 734), in which the government contends that the document(s) at issue should remain under seal. No party has filed a response to the government's position statement and the motion is ripe for disposition.

Although the procedural posture of the instant dispute is unusual, resolution of the underlying issue is straight-forward. Louis Gilliam, the Plaintiff in the Civil Case, inadvertently disclosed a document to Verizon Pennsylvania, Inc., the Defendant in the Civil Case. That document is subject to a

Sealing Order which was originally issued by Judge Cercone in the Criminal Case and subsequently extended by this member of the Court by Order dated July 31, 2015 (Crim. No. 12-93, ECF # 706). Plaintiff seeks to “clawback” the document(s). The parties to the civil case initially raised this issue with Magistrate Judge Robert Mitchell, who is presiding over the civil case. Magistrate Judge Mitchell then referred the dispute over clawback of the document(s) to this member of the Court. (See Civ. No. 13-1557, ECF # 73).

In the instant motion, counsel for Verizon seek a status conference to discuss the above circumstance. A status conference is not necessary. As the government points out, it is clear that the subject document(s) is subject to the Sealing Order. Plaintiff Louis Gilliam was not authorized to disclose the document. Therefore, the document(s) shall be returned to Louis Gilliam forthwith.

In accordance with the foregoing, the MOTION FOR CONFERENCE WITH JUDGE McVERRY PURSUANT TO MAGISTRATE JUDGE MITCHELL’S DECEMBER 9, 2015 OUTCOME ORDER IN CIVIL ACTION NO. 13-CV-01557 (Crim. No. 12-93, ECF # 730; Civ. No. 13-1557, ECF # 79) is **DENIED**. The subject document(s) shall be returned to Louis Gilliam forthwith.

SO ORDERED this 17th day of February, 2016.

BY THE COURT:

s/ Terrence F. McVery
Senior United States District Court Judge

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